

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CHARLES WANG,

Petitioner,

No. C 09-3549 PJH (PR)

vs.

**ORDER DENYING MOTION  
FOR INJUNCTIVE RELIEF**

DAVID PULIDO, et al.,

Respondents.

This is a habeas case filed pro se by a state prisoner. The petition was dismissed because when petitioner filed his petition he was not in custody on the probation revocation he sought to challenge. He filed a notice of appeal; this court denied a certificate of appealability. The question whether a certificate of appealability should issue is presently under consideration in the court of appeals. *See Wang v. Pulido*, No. 10-15549 (9th Cir. Order Jul. 12, 2010) (denying motion to reconsider denial of motion for emergency injunctive relief; noting briefing suspended pending disposition of motion for COA).

Petitioner filed a motion for injunctive relief the same day as the dismissal and judgment were entered. The motion (document number 7) is **DENIED** for lack of jurisdiction. *See Natural Res. Def. Council, Inc. v. Southwest Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001) (notice of appeal divests district court of jurisdiction). Petitioner's motion for leave to proceed in forma pauperis on appeal (document number 16) is **DENIED** without prejudice to renewing it in the court of appeals if a COA is granted.

**IT IS SO ORDERED.**

Dated: August 23, 2010.

  
PHYLLIS J. HAMILTON  
United States District Judge